

Notice of Allowability

Application No.

09/710,834

Examiner

Sheeba Ahmed

Applicant(s)

HAYASHI ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/03.
2. ☒ The allowed claim(s) is/are 1-21 and 31-36.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. Claims 1-21 and 31-36 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 31 recite a magnetic recording medium comprising a non-magnetic base film and a binder containing magnetic layer comprising magnetic acicular cobalt coated iron oxide particles or magnetic acicular metal particles having an average particle size of 0.051 to 0.35 microns and coated with organosilicon selected from the group consisting of an alkoxysilane and polysiloxane and a carbon black coat formed on the organosilicon compound in an amount of more than 10 to 40 parts by weight based on 100 parts by weight of said magnetic particles.

Independent claim 33 recites a magnetic recording medium comprising a non-magnetic base film and a binder containing magnetic layer comprising magnetic acicular cobalt coated iron oxide particles or magnetic acicular metal particles having an average particle size of 0.051 to 0.35 microns and coated with organosilicon selected from the group consisting of an alkoxysilane and polysiloxane and a carbon black coat formed on the organosilicon compound in an amount of 0.5 to 10 parts by weight based on 100 parts by weight of said magnetic particles.

The closest prior art, Hayashi et al. (EP 0957 474 A1), discloses a magnetic recording medium comprising a nonmagnetic base film, and a magnetic recording layer comprising a binder and black magnetic acicular composite particles having an average particle size of 0.051 to 0.72 microns and comprise magnetic acicular particles coated with a organosilane compound, a polysiloxane or a modified polysiloxane and a carbon

black coat on the organosilicon coat wherein the amount of the carbon black is 0.5 to 10 parts by weight per 100 parts by weight of the magnetic particle and wherein the carbon black particles have a particle size of 0.002 to 0.05 microns. The rejection of claims 1-19, 31, and 32 under 35 U.S.C. 102(a) as being anticipated by Hayashi et al. (EP 0957 474 A1) and the rejection of claims 20, 21, and 33-36 under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (EP 0957 474 A1) in view of Hayashi et al. (US 5,830,557) have been overcome given that the Applicants have perfected their claim to foreign priority. The Applicants foreign priority filing dates antedate Hayashi et al. (EP 0957 474 A1) and the Applicants have filed certified priority documents and the certified English language translations and the Examiner has established that the priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first Paragraph.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Mondays and Thursdays from 8am to 6pm.

Art Unit: 1773

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (571)272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheeba Ahmed
Art Unit 1773
March 2, 2004